

CRAWFORD, WISHNEW & LANG PLLC

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:)	Case No. 19-34054-sgj-11
)	
Highland Capital Management, L.P.,)	Chapter 11
)	
Debtor.)	
)	

AMENDED RENEWED MOTION TO RECUSE PURSUANT TO 28 U.S.C. § 455

James Dondero, Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., The Dugaboy Investment Trust, The Get Good Trust, and NexPoint Real Estate Partners, LLC, f/k/a HCRe Partners, LLC, a Delaware limited liability company (collectively, “Movants”) file this Amended Renewed Motion to Recuse (the “Motion”) Pursuant to 28 U.S.C. § 455¹ and would, in support thereof, respectfully show the Court as follows:

1. This Motion is necessary because the Court denied a prior motion by Movants to supplement the record in support of their original motion to recuse, making it impossible for Movants to have all evidence of the Court’s bias considered on appeal.
2. As previously asserted, the Court has essentially acknowledged that it has formed negative opinions of Mr. Dondero in a prior bankruptcy; those opinions have carried into *this* bankruptcy; and, despite best efforts, the Court has been unable to extricate those opinions from its mind.

¹ 28 U.S.C. § 455 has been made applicable to bankruptcy judges under FED. R. BANKR. P. 5004.

Moreover, the record in this bankruptcy reflects that the Court's negative opinions of Mr. Dondero have resulted in, if not actual bias against Movants, the undeniable perception of bias against them that impair the ability of Movants to preserve their legal rights. And while the Court previously suggested that Movants sought recusal too late, that suggestion is misguided, because the Court continues to preside over several proceedings involving Movants, and because the Court's bias continues to pervade all proceedings before it. For the reasons set forth above and in the Movants' Amended Memorandum of Law in Support of Renewed Motion to Recuse, which is incorporated by reference as if fully set forth herein, Movants respectfully request that their Motion be granted. In the alternative, Movants hereby request that the Court make clear that any order denying recusal is final, so that Movants may appeal the Court's order to the Northern District of Texas.

Dated: October 17, 2022

Respectfully submitted,

CRAWFORD, WISHNEW & LANG PLLC

By: /s/ Michael J. Lang
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CERTIFICATE OF SERVICE

The undersigned certifies that on October 17, 2022, a true and correct copy of the above and foregoing document was served on all parties and counsel set to receive notice by the Court's ECF system.

/s/ Michael J. Lang
Michael J. Lang